

Court of Appeals, State of Michigan

ORDER

People of MI v Jerry Lewis Smith

Docket No. 262993

LC No. 2001-177323-FH

E. Thomas Fitzgerald
Presiding Judge

Jessica R. Cooper

Pat M. Donofrio
Judges

The Court orders that the motion to remand pursuant to MCR 7.211(C)(1) is GRANTED. The matter is REMANDED to the trial court so that defendant-appellant may, within 14 days, file a settled statement of facts to serve as a substitute for the portion of the transcript that is unavailable as provided in MCR 7.210(B)(2). Proceedings on remand are limited to the issues as raised in the motion.

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of an order in the trial court which disposes finally of the proposed post-judgment proceedings.

Defendant-appellant is to file with this Court a copy of any documents filed in the trial court within 14 days of the Clerk's certification of this order. **The trial court is to hear and decide the matter as provided in MCR 7.210(B)(2) within 28 days of the Clerk's certification of this order.** Defendant-appellant must file with the Clerk of this Court copies of all orders entered on remand within 14 days after entry.

The trial court shall cause a transcript of any hearing on remand to be prepared and filed within 21 days after completion of proceedings. The time for proceeding with the appeal shall commence to run 14 days from the date of the certification of this order in the event that proposed post-judgment proceedings are not filed in the trial court within that 14-day period.

The Court further orders that the motion to extend time to file appellant's brief is DISMISSED AS MOOT, the time for filing appellant's brief shall run in accordance with MCR 7.212(A)(1)(a)(iii) from the date of the order certifying the settled statement of facts.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 03 2006

Date

Sandra Schultz Mengel
Chief Clerk